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APPENDIX

ARRINGTON—CROSS

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[Arrington Trial Transcript, p. 27] Q. (By Mr. Howe, counsel for the Senate): And when we look at your report you make some reference to the studies that you have done, you chose as the benchmark for racial polarization in the state the race between Campbell and Theo Mitchell?

A. I did. Simply because it was a statewide race which we could apply to a number of different districts.

Q. And from your perspective, from your analysis, that's the one race you used on these senatorial districts [i.e., the three black majority districts], isn't it?

A. It the only one I used on those three, I did look at a number of other—a number of other Senate races and several [28] House races.

Q. But on the three that you are talking about where the Republicans are creating these districts?

A. That's correct.

Q. You only used that race?

A. I only used that race.

Q. One race?

A. That's correct.

Q. You say in your report these figures are fragmentary and are less than totally reliable, don't you?

A. Yes, the court would not want to base conclusions about racial polarization solely from the data that I presented here. I was well aware that Dr. Loewen was going to come and present information, and since that time I have also seen a very extensive body of incomplete but nevertheless persuasive evidence about racial polarization from Dr. Ruoff's analysis.

Q. Well, when you wrote this, what you wrote a week ago?

A. Uh-huh.

Q. What you were saying when you said that was, "I got some information, but I don't want you to base any

of your decisions on it because it is fragmentary and less than totally reliable?

A. Yes, and when I wrote that a week ago you will notice there is several references to Loewen in that, I knew the Loewen data would be presented.

* * * *

[30] Q. (By Mr. Howe, counsel for the Senate): You worked at the local level in local politics?

A. I have.

Q. I think we all consider that in the trenches?

A. In the trenches.

Q. No doubt about it?

A. No doubt about it.

Q. And that's being there on election day and that sort of thing?

A. Yes, I was the chairman of the Mecklenburg County Board of Elections for six years and a member of that board for 12, so that's very much in the trenches.

Q. You familiar with the problems associated with splitting precincts?

A. Yes.

Q. That does create problems on election day?

A. Yes.

Q. And those problems are burdensome, not only the top, say the chairman level where you are, but particularly burdensome on the people in the [polls], aren't they?

A. They are.

Q. Voters who come often have small amounts of time set aside to vote and can be easily frustrated [into] sort of giving [31] up their franchise, can't they?

A. That's correct.

Q. And if the lines are too long or they are having to try to locate themselves on a map, any little frustration like that can significantly lower voter participation, can't it?

A. Yes.

Q. And that should be avoided, shouldn't it?

A. Should be avoided.

Q. And you would see and agree with me that the splitting of precincts on election day in the face of the individual going to the [polls] to vote can be and often is very inhibiting?

A. Yes.

Q. And should be avoided if it possibly can?

A. Should be avoided if you can avoid it without committing a greater violation.

Q. Where I'm heading is this, if you have been helping with that county you have been a part of some get-out-the-vote movement, haven't you, encouraging people to register, encouraging people to participate—

A. Oh, yes, absolutely, sure, absolutely.

Q. Sure. I mean that's when you have ads and say, you know, "exercise your right," and that's not directed Democrat or Republican, it's "doggone it, get out there and vote?"

A. Our experience in similar situations in Mecklenburg County is that when you are faced with a situation where [32] you have a split precinct, you have to go to extraordinary lengths to prepare for the problems it's going to cause, but it can be handled.

Q. But splitting precincts causes and requires some extraordinary lengths to try to deal with it, to use your language?

A. There's no question that that is true.

JUDGE HAMILTON: Mr. Glenn, Mr. Holleman.

MR. GLENN: Yes, sir, I didn't knew he's through.

MR. HOWE: I'm sorry.

CROSS EXAMINATION

BY MR. GLENN (counsel for the Lieutenant Governor):

Q. Yes, doctor, just on that very subject matter that Mr. Howe was just questioning you, who is more likely to be disadvantaged by the confusion of—that arises according to your testimony from splitting precincts, black voter[s] or white voter[s]?

A. Black voter[s].

Q. So, the consideration given to avoiding splitting precincts comports with the Voting Rights Act of 1965, does it not?

A. Taken all by itself, yes, sir. Now, I can explain it. Sure, if you take any one element like that, absolutely —if for example somebody specifically went through and split or otherwise created confusion in black precincts and not in [33] white precincts that would be a clear violation of the Voting Rights Act, no question about it.

You simply have to balance many different interests here. The first interest in drawing districts is the constitutional one, one person one vote, that will require splitting some precincts. The second requirement is a federal statutory requirement, the Voting Rights Act, and unfortunately that will require splitting some more.

The election commissions will simply have to adjust to that if the court decides you have to split some precincts to follow the Voting Rights Act, and I think you do.

Q. Providing meaningful access to the political process to exercise the franchise is part of the—for citizens of all races, and to protect the minority race is part of the design of the Voting Rights Act; is that correct?

A. Yes.

Q. And voter confusion as a result of splitting precincts is more likely to deny access to a black voter than a white voter?

A. Yes. But again, the denial that comes from fracturing black majorities and putting them in districts where they cannot conceivably be an important influence in that district is a much greater denial than a little bit of confusion on election day.

Q. So, what we have to do is a balancing between the [34] legitimate non-discriminatory state interest in the election process?

A. Yes, you have to balance them, you have to figure out which are the most important.

Q. And unfortunately we have now come to the point where we have laid that at the feet of three judges that

constitute this court to do that balancing, is that where we are in this litigation?

A. Yes.

* * * *

[68] BY MR. HOLLEMAN: (counsel for the South Carolina Democratic Party):

Q. . . . you have made a point of benchmark of the governor's race in the general election in 1990, but you do not have the Democratic primary for governor in 1990, do you?

A. No, I don't.

Q. Which was a statewide race, correct?

A. That's correct.

Q. With a black and white candidate?

A. That's correct.

Q. Both of which were state senators, correct?

A. Yes.

Q. Do you know that the information for that primary is published in the Annual Report of the South Carolina Election Commission?

A. By precinct.

Q. No, by county?

A. I knew it was published by county.

[69] Q. And do you also know—

A. I do not do—I'm sorry, I did not do county by county analysis, I rely on precincts.

Q. Do you also know that the electorate in that primary was approximately 57 percent white?

A. If you say so, I did not know that.

Q. Do you also know that Senator Mitchell won that primary by substantial margin?

A. That I did know.

Q. And that might be a benchmark election too; might it not?

A. It would indeed.

* * * *

COUICK—DIRECT

* * * *

[Couick Trial Transcript, p. 150] Q (By Mr. Howe, counsel for the Senate): Now, as—when the plans were

exchanged in December and subsequently, there have been additional areas that have been pointed to as [prospective] minority majority districts?

A (By Mr. Couick, Director of Research for the Senate Judiciary Committee): Yes, sir.

Q I would like to go through those with you and we'll start with what we will call the Savannah Valley. Which number is that? Is that ten?

A Yes, sir, that's ten in most of the plans—in all the plans that's ten, yes, sir.

Q Now, did the [Senate Judiciary Committee's] Subcommittee [on Reapportionment] create a [151] majority/minority at ten?

A No, sir, they did not.

Q Why not?

A In all three—there are three plans, as best of my memory, that have a District 10 in them. I believe it's the S.R.A.C. proposal, we kind of call SRAC. The Governor and the Republican Party all have a District 10. All of them are a little bit different. The Republican Party and the Governor's are more black than the S.R.A.C.'s.

Q That doesn't come as any great surprise to anybody.

A We found—or the Subcommittee found based upon staff's review that particularly with the Republican party and the Governor's proposal, there were a number of precincts that were split in the particular district. And they were split mainly in minority precincts that would only add to the voter confusion that we had heard a good bit of testimony about at the [Subcommittee's hearing on] criteria [for drawing redistricting plans] . . . and at other times.

Q Let's digress one second on that. Was there testimony at the Subcommittee hearings specifically on the problems associated with voter precinct splits?

A Yes, sir. It came from almost every quarter in that—committee meetings in particular, we heard from

[152] not only people that you've heard about this week, but we also heard from folks like Senator Joe Wilson saying that there [was] confusion that was caused by precinct splits.

Q In addition to that, did you do some research by calling the Democratic and Republican parties?

A I personally did not do that, but I requested my staff who gave me a report back to call the Democratic Party, the Republican Party and to the State Election Commission, and ask for a recent history of election protests and what most of those precincts—I mean protests involved, and particularly had there been any protests that involved split precincts. And the response that came back was most definitely yes. In fact, most protests that—where there were split precincts within the district had some relationship to the splits.

Q Was it determined—I'm going to go back to 10. Was it determined that the various proposals for District 10 did in fact violate the Senate criteria?

A Yes, sir. For several reasons, we never were able to determine that an electable district could be drawn in that area. We took into account the great geographic stretch of the districts. And that wasn't the determining factor, but when you combine that with [153] the number of split precincts that the splits occurred mainly in heavily black precincts, that there were no unified communities of interest throughout that district, and there was no core of an existing district that that district was built upon, we determined it was going to be hard for that district to be electable at that percentage drawn.

Q Now, let's talk about these districts and I'm not going to do this on each of these districts, I promise.

We agree that the first criteria is equal—one man one vote, and the second one is the Voting Rights Act?

A Yes, sir.

Q How did that play—I mean, do you go to two and then stop? How—contiguity, communities of interest, constituent consistency, precinct boundaries, etc., how are those—and compactness, how do they play together, how

did the Subcommittee play them together in the decision making mix?

A The criteria that the Subcommittee adopted are fairly neutral criteria. I think that if you look at other states and other submissions by the Republican Party and others, they're meant to build good districts, good electable districts, districts where [154] the people that are in the district will have an idea of a collective sense, they're a district and they know the issues that are going on that affect that district.

They're able not only to elect a representative from a cohesive compact district, but they are able to affect that representative once he's elected and offer him comments and have kind of a core sense of issues they're interested in that he'll have to respond to.

Q What I'm getting at is several people have said that you come to the Voting Rights Act, you apply maximization and you don't go further. Is that how the Subcommittee did it?

A No, sir. As I was getting to, those neutral criteria that were meant to create electable districts for any type of the 46 senatorial districts have the same impact in a minority district, a black majority electable district, whatever you care to determine.

It was meant to make those districts where they could be electable, where like communities of interest would be something that would be an asset or an added asset to that district. That if you had a district that was nominally a black district, if it was in a community of interest or in several communities of interests that were related, that would make it a higher quality district in terms of the black representative [155] that was elected being able to participate effectively in the legislative process and also in terms of the folks from where he was elected being able to have input in important and quality input into what he did.

Q What did the Subcommittee determine about the proposed minority/majority district in that area?

A That it was not elect[able].

Q Now, what did it determine as it related to the criteria?

A As to each criteria?

Q Just generally.

A In consideration of black majority, [putative] black majority districts, the Subcommittee never divorced the Voting Rights Act compliance with the other criteria. We never really got to the point of considering the other criteria. Those were not important.

They wanted if possible to draw a black district if it met the first two in terms of equal population and Voting Rights Act compliance, but they viewed the other criteria to have an impact on that Voting Rights Act compliance.

So to the extent that you didn't have a compact district, or it wasn't cohesive or there were no communities of interest, no core district, they didn't go beyond that point. So, they felt like if it did not [156] comply with those first two criteria, it was not electable.

Q When you look—one of the next areas of concern was Georgetown [County] as a prospective district. What district number was—

A Thirty-four, I believe in most plans have denominated that District 34.

Q And did the Republicans, Governor and the N.A.A.C.P. [SRAC] propose a district there?

A In fact, I believe the Lieutenant Governor proposed a district in that area as well.

They all are a good bit different. The Lieutenant Governor tends to take the Senate plan and extend it and adjust some of the other districts beside it.

The N.A.A.C.P.'s way of drawing the district is to shift over Districts 32 and 36 and take part of the black population in Williamsburg County in order to draw District 34.

I believe the Governor and the Republican Party had a little bit different iteration where they pushed District 30 up into Dillon County, and then used some of

the population left over from that shift in order to draw the District 34.

Q What did the Subcommittee determine in that area?

A The determinations on those—on those plans were [157] a little bit different than District 10, because there were so many different ways of trying to draw District 34.

As to the Republican Party, and I could be mistaken that both were alike, but I believe the Republican Party and the Governor were very similar. In terms of their using the black population in Dillon County for District 30, we had ample testimony from Senator Gilbert [the black incumbent in District 30] that that was not a type of population that would give him what he called an electable district.

That—for that reason, you were merely taking one district, District 30, and making it unelectable in order to try to achieve an electable district in District 34. So, it's kind of a trade-off. And I feel that to some degree, the District 34 [in the Governor's plan] was not as electable as the District 30 that was drawn by the Senate.

In terms of the Lieutenant Governor['s] proposal, the V.A.P. is fairly low on that district. I don't believe that it would be an electable district for a number of reasons, including that one reason is it stretches essentially from outside Dillon County down almost into Charleston.

Q And in trying to create a minority district in [158] that area, what did it do to Williamsburg County?

A Well—and that was kind of the approach taken by the N.A.A.C.P. They shifted over and divided Williamsburg County into 4 different districts. And by doing that, they fracture what's kind of already a cohesive core of a[n] [existing] district [District 32] in order to draw that District [34].

And they shifted over also into Clarendon County in District 36, and they kind of—I believe the Subcommittee view, from my understanding of the Subcommittee view, by doing that, they took what were two very highly elect-

ab'e black districts [Districts 32 and 36], and by fracturing every one of them, all three of them, they left open the question whether any of them were electable or not.

Q Now, the next would be up in the Fairfield area [north of Columbia].

A Yes, sir.

Q Now, the Senate added the eleventh district in the Fairfield area, and I believe several of the plans proposed an additional district in that area.

A Yes, sir.

Q And what was the Subcommittee's position on that?

A Mr. Howe, once again, all these plans are a little bit different. The Lieutenant Governor only drew one district in the Fairfield area. That district had a [159] lower V.A.P. than that drawn by the Senate. And for that reason, the Subcommittee felt like that we—the Subcommittee had done a better job of establishing an electable district within the confines of that compact area. In addition, the Lieutenant Governor['s] District, I believe, goes over and takes part of Spartanburg. It still has a lower V.A.P.

And I'm not looking at either the Republican or the Governor's [actually the SRAC's] plans, but the best of my memory is both of them draw two districts that are essentially divided by a line somewhat parallel to I-77 And that that—you can essentially take one district on the right of I-77 that runs from Rock Hill to Lancaster to Camden down into Columbia, taking part of an existing district, District 19, currently occupied by Senator Kay Patterson [who is black]. That's one district out of that area.

They draw another district [District 15] that starts in Fairfield County, runs up, I believe both of them or one of them goes into Newberry, then into—these are cities, City of Newberry, City of Union, and then over into Spartanburg before coming back into the City of Rock Hill, the City of York, and in fact I believe one may go into the City of Gaffney for a small black population.

Q Did the Subcommittee believe it was possible to be [160] true to the criteria and draw two minority districts in that area?

A No, sir. And with the last plans I described that draw two districts, the Subcommittee's view was you had essentially a core district there that could be drawn that was compact and cohesive, a black area. That by doing what these other parties had done, you had fractured that cohesive compact district in two and drawn two districts [Districts 15 and 17] that were highly unlikely to be . . . electable because of the disparity, geographic and in terms of the—how the folks kind of thought of their communities of interest. You would put disparate groups together.

* * * *

[164] Q (By Mr. Howe): Have you run an analysis of the plan other—plans of other submissions involving precinct splits?

A (By Mr. Couick): Yes, sir.

Q And how many does the Governor's plan as amended split?

A The Governor's plan as provided to staff on 12 23 91 as amended most recently contains 122 split precincts.

Q And how about the Republican Party?

A As—it was a proposal made on 12 23 91 as recently amended to include some cleanup, I believe it was back earlier in the year, included 145 splits.

[165] Q And how about the [SRAC]?

A Their submission of 12 23 91 included 65 splits.

* * * *

We have also done an analysis of the total voting population with each of those splits as well.

Q (By Mr. Howe) What does that show us?

A That if you look at the Governor's plan for the Senate, and this one is the same plan I was just describing, its population within the split precincts is 290,730 people. That's approximately 8.4 percent of the total

population of the state. Of these precincts, there are 35—excuse me, 34½ percent black population.

If you look at the Republican—excuse me, the [166] S.R.A.C., N.A.A.C.P., the total number of population within their split precincts is 170,534. That's roughly five percent of the total state population. Of those precincts split, the population is 26.7 percent black.

* * * *

LOEWEN—CROSS

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[Loewen Trial Transcript, p. 73] Q. (By Mr. Holleman, counsel for the South Carolina Democratic Party): Okay. And as Mr. Howe asked you, I believe you said you were not aware that District 30 later elected a black senator, is that correct, in 1988?

A. That's correct.

Q. Are you aware that that black senator was elected in a runoff after having finished second in the first race?

A. I am not.

Q. And as to district 45, I believe you also said you were [74] not aware that it later elected a black senator, Senator McKinley Washington; is that correct?

A. In general, just to avoid any drawn out questions, I'm not prepared to testify about any election after 1984 or any candidates after that date.

Q. So, I guess then you are not aware that Senator Washington received approximately 60 percent of the vote, both in the democratic primary runoff and in the general election against white candidates?

A. That's correct.

Q. And looking at District 32, if I could for just a minute, I believe that is the district that includes Williamsburg County, which has been represented by Senator Frank McGill and his son Yancey McGill—are you aware of that fact?

A. No, sir.

Q. You are not aware. But I guess as you see your numbers show that Senator McGill, if you will assume

with me for the moment that was the candidate, received almost 50 percent of the black vote, correct?

A. Yes.

Q. And are you also aware, since I see you have analyzed prior Williamsburg County elections, that if not all, virtually all of the county wide elected officials in Williamsburg County, except for Senator McGill, are black?

A. I do not now remember that, but it's—I don't contest [75] it.

Q. Including, for example, the Sheriff and the Treasurer of Williamsburg County?

A. Okay. If you say so, I believe you.

Q. And that Senator McGill was the only county wide elected white official in that county?

A. Could be.

Q. So, I guess when we look at the three senate districts you have analyzed for 1984 and forward, we find two districts which have since elected, if you assume for the moment these facts are true, black senators, and one district in which 50—the senator who happened to have been white got 50 percent of the black vote, and the other county wide elected officials are black.

Would you say that these, assuming those facts, would you say then that these are districts where the black population of those districts are well able to elect candidates of their choice?

A. Based on what you told me has happened since '84, that seems to be a reasonable statement.

Q. And those are the only districts you have analyzed from '84 forward?

A. Yes.

* * * *

[88] Q. (By Mr. Hunter, counsel for the Governor): Okay. Have you made a study of blacks that have been successful in their elections to the general assembly of South Carolina?

A. No.

* * * *

[101] Q. (By Mr. Hunter): Assume the court should find that it needed to draw remedial districts to assist black communities to have equal opportunity to elect candidates of their choice to the legislature, how would you advise the court or the drafters with regard to the number of seats that should be in any one plan?

A. I would probably look at the various plans—

JUDGE HAMILTON: Now wait a minute, if I understood your question, the number of seats that should be in the Senate plan, the House plan, or the congressional plan is not determined by this court.

MR. HUNTER: The number of minority remedial seats, Your Honor—

[102] JUDGE HAMILTON: Well, that's not what you said. All right.

BY MR. HUNTER:

Q. I'm sorry. The number of remedial seats that should be included in the plan, not the gross total number of seats.

A. Generally, I have been in a position of—when I have been looking at plans, I have been looking at plans already drawn. I have, in a few cases, drawn—been commissioned and involved in drawing my own plans. But generally I would look at the two plans—let's say—I think you mentioned 11 and 14?

Q. 11-let's say 11 and 15.

A. 11 and 15, excuse me. And I would first want to advise the court as to whether I thought all 11 seats were in fact reasonably winnable by minorities, or all 15 seats were reasonably winnable, and I would no that through the analysis that I have already mentioned to you.

JUDGE HAMILTON: Have you done that with respect to any plan that is going to come before this court?

THE WITNESS: No, sir, I have not looked at any plan, no plan has been provided me.

* * * *

LOEWEN—RECROSS

[128] Q. (By Mr. Holleman): Did I understand you to say in response to questions from over here that a—in your opinion a black population of 50 to 65 percent in South Carolina makes an electable black district?

A. Depending on the part of the state and it's electoral history, yes.

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RUOFF—DIRECT

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[Ruoff Trial Transcript, p. 8] Q. (By Mr. McDonald, counsel for the SRAC):

What were you asked to do in this case?

A. I was principally asked to assist in drawing maps for the House of South Carolina, House of Representatives, the South Carolina Senate, and the United States Congress.

Q. Now, what criteria did you use in drawing the maps that you drew?

A. The first criteria that we used was to try to build the largest number of districts in which African American citizens would have an equal opportunity, at least an equal opportunity to be elected.

In doing that we pay particular attention to insuring that those districts which currently have African American incumbents, that those districts were solidified, made sure that they were in good shape for reelection.

Secondly, that additional districts which were either currently a majority of African Americans but not really electable, not really districts in which African Americans had an equal opportunity to be elected, could be strengthened and buttressed to provide greater opportunity.

And then to, as much as possible, try to build the influence districts where African American citizens could have some influence on the—on the incumbents when they were elected who presumably would be white incumbents. We also—

Q. Let me stop you there if I may because I want to ask you about one of the earlier criteria that you

indicated that you [9] used. How—how do you define a district, as far as the Senate is concerned, which provides minorities an equal opportunity to elect a candidate of choice?

A. Well, there is—there is no absolutely precise definition. Our general rule of thumb was based on looking at the historical reality of where have black senators been elected, and taking that as a benchmark, seeing that in general the break point was at just about 58 percent.

In districts that were more than 58 percent, with one exception, with two exceptions, African Americans were —were elected, and generally below 58 percent African Americans were not elected. There were one or two exceptions to that.

So that for example in Greenville County, Senate District 7, which is just about an even 50/50 district, it has been Senator Theo Mitchell, an African American, has been elected in that district.

* * * *

[13] BY MR. McDONALD (counsel for the SRAC):

Q. Now, did you give any credence to the prior existing lines in drawing the plan for the Senate that you drew?

A. In general we did not. We did—as a general proposition we did not pay attention to incumbency where—where we were not particularly concerned about building a black district.

I think that on the whole we tried to sort of generally make it in the same area that the existing district was, although I don't think that when you start squeezing in the black opportunity districts that you can very closely do that.

Q. Now, did you attempt to draw the maximum possible number of districts that were majority black for the Senate?

A. The original exercise was to draw the maximum number to see that was possible, after that we then step back and said, "what are the best districts that we can

draw that will produce a fair plan, rather than the maximum number of majority districts?"

It turned out that the number happened to be the same, but they ended up being somewhat different, although they are not the same in our House plan.

Q. Okay. Now, did you take into account in any way whether or not the districts would have open seats, that is seats with no incumbents in them?

A. Particularly where we were trying to create districts [14] that would have black majorities that would be opportunity districts, we tried to create as many of those open seats as possible, oftentimes by putting white incumbents in districts together.

Q. You indicated, I believe, that you attempted to maintain the black majority districts that existed?

A. Yes.

Q. Why was that a concern?

A. Well, first of all to avoid losing what African American citizens already had. And so it was important to us that those districts, that we make sure that those districts were in good shape.

Q. Now, did you take into consideration the incumbency of non-minority members?

A. No.

Q. And why not?

A. We did not think that that was an important issue in terms of—of the interests of a African-American citizens in South Carolina.

* * * *

[15] Q. (BY MR. McDONALD, counsel for the SRAC): Dr. Ruoff, let me hand you Exhibit 111, which I think there has been no objection to, and ask you to explain briefly what that document is.

A. This—this document is a—on the first page it shows the existing senatorial districts and on the second page—and although it's not identified as such on here, I believe I recognize this as coming from the state statis-

tical abstract published by the budget and control board.

It also gives the Senate district numbers, total population, black population, percent black, the over 18 population black, over 18 percent black, over 18, and the percent variance—variation in the 1984 Senate plan.

Q. Now, did you consult that data in making your determination about what constitutes a district that would provide blacks an equal opportunity to elect a candidate of their choice?

A. Yes, I did.

Q. And in what way did you take that data into account?

A. Well, in looking at—in looking at this information, as well as taking into account racial polarization data, which we were aware, we wanted to see what's the real number it takes to get blacks elected, what are those districts in which [16] blacks can get elected and how black are they?

And in looking at that it was—it was fairly clear to us that those districts were generally 58 percent or higher.

Q. And do you know the blacks who are elected in those various districts?

A. Yes.

Q. Now, you indicated that generally blacks got elected in the—

MR. HUNTER (counsel for the Governor): Your Honor?

JUDGE HAMILTON: Yes, Mr. Hunter.

MR. HUNTER: I think it would be helpful if the witness would indicate 58 percent of what?

THE WITNESS: Population, total population.

JUDGE HAMILTON: VAP?

THE WITNESS: No, sir, total population.

JUDGE HAMILTON: Total population?

THE WITNESS: Yes, sir.

MR. HUNTER: He's saying total pop is what I understand?

JUDGE HAMILTON: That's correct.

BY MR. McDONALD:

Q. Can you identify with respect to individual districts and, their racial composition, where that general rule did not apply?

[17] A. Certainly does not apply with respect to Senate District 7 which was a 50.23[% black] district, population.

JUDGE ANDERSON: Is that Theo Mitchell's district?

THE WITNESS: Yes, Your Honor. And also with respect to Senate District number 45, McKinley Washington's district, which was a 54.60[% black district] in the 1980 census.

BY MR. McDONALD:

Q. Are those the only two exceptions to the general proposition?

A. Yes.

Q. What is the racial composition of the other senatorial districts which elected blacks?

A. Okay. Senate District 19, which is Senator Kay Patterson's district, was 58.75; Senate District 30, which is currently Senator Frank Gilbert is the Senator, is 59.30; Senate District 39, which is Senator John Matthews is the incumbent, 59.18; and Senate District number 42 in which Herbert Fielding is a Senator is 59.13.

Q. And that exhausts the number of Senate—

A. There are currently six black Senators, yes.

MR. McDONALD: We would move the introduction into evidence at this time of Exhibit 111.

JUDGE HAMILTON: Without objection.

THE CLERK: Plaintiffs SRAC Exhibit 111 in evidence.

* * * *

[29] A. (By DR. RUOFF): There is also created a new black majority district, an opportunity district in District 34, which includes Marion County, a piece of Horry County, a chunk of Williamsburg County, and some of Georgetown County. And that District 34 is 61.86 percent black.

One of the other things that we sought to do in drawing our plans was to increase the involvement of African-Americans generally in the political process by trying to make sure that, particularly in these low country [Coastal] districts, there would be black representation as much as we could get on as many delegations as we could get it, given the South Carolina practice of having the legislative delegation make many of the important decisions that affect African-Americans.

BY MR. McDONALD:

Q. More precisely, Dr. Ruoff, how would you go about trying to effectuate that concern?

A. Well, for example, Senator Matthews' district includes a piece of Orangeburg County, Dorchester County, Colleton County, Hampton County, Allendale County, and Bamberg County, as well as Barnwell County. Rather than—as for example, the Republican Plan that essentially cuts him off right here and also reduces the number of counties in which Senator McKinley Washington would be on the delegation, if—assuming he were reelected, or whichever person were reelected.

[30] Q. Are there any other examples of how you attempted to do that, that is to maximize black participation in the affairs of the county delegations?

A. Those are a couple of the places where we are most conscious of it, but it also goes to the question of whether we would have, as a general proposition, tried to reduce the number of counties that a—that a black—that an opportunity district might be. And our general inclination was to say that better to draw an opportunity district in more counties rather than in less.

Q. You used the phrase opportunity district, are you referring to a district in which minorities have an equal chance to elect a representative of their choice or something else?

A. That is exactly what we are referring to.

* * * *

[44] Q. (BY MR. HOWE, counsel for the Senate): When you started off drawing I think you told us that the first thing you wanted to do was to protect the existing minority majority districts?

A. Yes, sir.

Q. And once you decided where those were, at that point, after that, the lines became of no moment, the existing lines?

A. Well, the existing lines were not particularly of moment. As a general proposition, after we dealt with building the black districts we wanted to build, the opportunity districts, we generally followed what was in the Senate's Plan, not precisely by any means.

And once you start—you know, when you do cookie cutter and you built pieces and areas and then you start filling in the in between, it's impossible to just take any other plan and just say, "well, okay, let's lay it on."

Q. But you have been very frank with us that your interest, [45] your motivation has been maximizing black representation?

A. Yes.

Q. And so what you did was, you started off without this overlay, you started off with this just colored map under it and then you—

A. No, sir. No sir. I mean, we never used a thematic map as the base for our drawing. We happened to have other computer capabilities that give us the same effect. In fact, our system is a little better in terms of that because we can see population density but—

Q. What I'm getting at is, is that you would have taken and drawn in the black majority districts?

A. Yes, sir.

Q. And had in mind, "how can be enhance those how can we make those stronger?"

A. (Nods head in the affirmative).

Q. Then you would have looked at concentrations of black population and drawn districts for those?

A. Yes, sir.

Q. And the rest you followed the Senate Plan because the white folks could draw those about any way they wanted to?

A. Well, it's all—it's really more that it's just a lot easier to follow something that is already sitting there.

Q. Okay. Well, what was sitting there, there were several plans sitting there, weren't there? There wasn't just the [46] Senate's?

A. There was also—I think we had seen a Republican plan at that point. I think those are the only two other plans that I had seen.

Q. So, to the extent that the Senate is involved, y'all deferred towards the Senate Plan on the remaining lines that didn't interrupt with your lines?

A. As a general proposition, yes.

Q. Now, you mentioned that one of the things y'all tried to do—if not completely, at least minimize, was splitting precincts?

A. Yes.

Q. And that's something to be avoided if possible?

A. The ideal is not to split precincts unless you have to, and in some places we felt you had to.

Q. But that's why you talked about in terms of being able to get—get the variance down to zero, that you would have to split so many precincts it sort of wasn't worth—it wasn't a good idea?

A. I mean, that's—that definitely is one of the reasons not to try to go down to a zero variance.

Q. On balance, the tradeoff isn't worth it because splitting precincts does cause confusion and does have burdens at the polls on voting day?

A. Definitely so.

[47] Q. Now, as I understand your definition and some previous people's definition, what this is all about is trying to have the black community have some of their

representatives in the various community—in the various bodies, ours being the senate—

A. Yes, sir.

Q. —Officials, are elected officials of their choice?

A. Yes, sir.

Q. They really don't necessarily have to be black, do they?

A. No, sir.

Q. Nobody is proposing that, from a racial perspective, what we are looking for is the majority minority districts so that even under the polarization theory that whoever is up there is really up there speaking the black community's side of issues?

A. Right, and is more important than speaking—I mean, is chosen by black people.

Q. Now, in this state two of those are white?

A. Yes, sir.

Q. And they have particularly high black percentages in their districts, don't they?

A. Yes, sir.

Q. Who am I talking about?

A. Senator Yancey McGill and Senator John Land.

Q. And what are their percentages?

A. Let me dig around here a moment.

[48] Q. I'm supposed to give you this, I think this—

A. I found it.

Q. You got it?

A. Senator Land's percentage in the 1980 before redistricting was 63.24 and Senator McGill's was 58.15.

Q. Those are pretty solid minority majorities?

A. Yes, sir.

Q. And is it fair based on looking at that that both of those gentlemen in fact are the chosen representatives of the black community?

A. No, sir.

Q. And—

A. I have done specific analysis in District 32 which show that while there is substantial black support for

Senator McGill, that only 41 percent of the black population voted for him in the special election in which he was elected.

Q. And so in spite of your first criteria, which you testified was your first criteria, and that is preserving black minority majority districts that already exist, and you have stated that as your first criteria, you then choose to abandon that criteria and to stick these two districts together, don't you?

A. Well—

Q. And to run these two white incumbents against each other?

A. We did that, but the first criteria was not to protect [49] exising black majority districts but existing majority districts in which blacks were being elected.

Q. That's—that doesn't strike you as a little prejudicial?

A. No, sir.

Q. Okay. The Aiken District y'all propose is Number 10?

A. The—Number 10 includes a piece of Aiken, yes, sir.

Q. That's the Aiken to Anderson District?

A. Yes, sir.

Q. And I think you testified already that you don't even contend that to be a particularly compact district, do you?

A. Well, it certainly is not the most compact—

Q. It's not as compact as you would like it to be?

A. I don't think it's as compact as anyone would like it to be, given other circumstances in terms of where the black population lives in the State of South Carolina and how you need to draw lines to accomplish building districts in which African-Americans have an equal opportunity to elect representatives of their choice.

Q. Assuming they don't elect white representatives, because if you are going to do that then you have to change the whole Plan?

A. No, sir, I specifically already testified that in fact Yancey McGill was not the choice of the black community in Williamsburg County, and I have not done an analysis of Senator Land. I suspect we would find that although he has a [50] comparatively large black vote in his district, that it is not a majority black vote when—in a contest against a black candidate.

Q. Now, do you know how many precincts you split to create [SRAC District] 10?

A. I have not counted that up.

Q. Would you disagree with me that it was six precincts that involved 10,324 people, 72 percent of which were black?

A. That's—I'm—six precents probably sounds about right.

Q. How about 10,324 people, 72 percent of which are black?

A. That could be. I mean, it doesn't sound way off to me.

Q. Well, for the court's background, that's very normal information from the computer?

A. Sure.

Q. I mean, it's pretty amazing but you can sit down and move that little mouse around and figure that stuff out pretty quickly, can't you?

A. Not using a mouse.

Q. However you do it.

A. But you can figure it out pretty quickly.

Q. Georgetown is District 34?

A. Part of Georgetown is District 34.

Q. That's where you all propose to create another minority district?

A. Yes, sir.

[51] Q. And is District 32 next to that?

A. Yes, sir.

Q. Now would you disagree with me that you split three precincts in District 32 involving 3,642 voters, 81 percent of which are black?

A. That could be, yes.

Q. And then in 34 you split two precincts involving 1,591 voters, 85 percent of which are black?

A. When you are saying the 85 percent figure, I'm not clear on whether you are saying after we split it that the precinct was 85 percent in that district, or that it was 85 percent—they were 85 percent before they were split.

Q. I'm saying that of that 1,591 people, 81 percent of those people are black that you affected.

A. Yes, sir.

Q. Now, if you don't create the Georgetown District, Williamsburg County as a community of interest is left intact, isn't it?

A. It is possible to draw it intact, yes.

Q. If you don't create the 34th District, if you follow the Senate Plan and don't create that minority district, isn't Williamsburg County as a community of interest kept intact?

A. I don't recall whether all of Williamsburg is in—I mean, certainly the bulk of it is, but I don't recall whether all of it is.

[52] Q. And I'm not thinking so much about county lines but the community of interest of Williamsburg would be left intact. If you create District 34, Williamsburg County under your plan is cut into four separate districts, isn't it?

A. I belive that may be true, yes.

Q. And Georgetown, the community of Georgetown is cut into three separate districts to create 34, isn't it?

A. 34 and 33—is there a piece of 32 in there?

Q. Look and see, I have been so advised.

A. Yes, there is around the Andrews area.

Q. And so it's not just the pebble in the water when we say, "gee, let's put a minority district in Georgetown and call it 34," the pebble causes ripples, doesn't it?

A. Every change you make causes ripples.

Q. No doubt about it. And the ripples of 34 involve precinct divisions?

A. Some.

Q. Cutting the community of interest of Williamsburg into four districts and cutting the community of interest in Georgetown into three, those are just some of the ripples, aren't they?

A. It cuts Williamsburg into four, it cuts Georgetown into three.

Q. And it dramatically changes Districts 36 of Land and 32 of McGill, doesn't it?

[53] A. Yes.

* * * *

[70] BY MR. HOLLEMAN (counsel for the South Carolina Democratic Party):

Q. Now, I believe, for example you said if I recall, that your conclusion as to one of the upstate districts that has been drawn as a majority black district [District 15], that there was racial polarization based on your study of the Town of Gaffney [which is located in that proposed district]?

A. That was one of the pieces that went in, yes.

Q. Now, if I could just look at that study for a minute with you—and I believe that is the only study you did in connection with that one district?

A. Actually no, because I have also done analysis of Union which is—

Q. Union, all right, we will get to that, Union is in here too. The Town of Union and the Town of Gaffney. All right, let's assume for a minute the Town of Gaffney is relevant to [71] the entire Senate district.

A. Yes.

Q. Now, as I understand it if you read across here you have got the race of the candidate for the City of Gaffney, that says black, it's the first group. You have got the race they run for, school board?

A. Yes, sir.

Q. Then you have got the year, you have got the name of the candidate—and I'm going to skip over the ecological numbers, I'm just going to get to hard numbers—then you have got the percentage of the blacks who voted —who voted for that candidate, correct?

A. No, the percent who went to the polls that day. They may not have voted in that election.

Q. Okay. So, you've got the percent of the voters who went to the polls that day—

A. Yes.

Q. —who voted for that candidate?

A. Yes.

Q. Okay. And then you've got the percentage of the whites who went to the polls that day who voted for that candidate?

A. Yes.

Q. And then you got the total absolute number of votes that person got?

A. Yes, sir.

[72] Q. Okay. Now, I may be reading it wrong but let's look at '84 for—you go with '80 and '82 and go back to '74, but let's look at '88.

A. Yes, sir.

Q. Now, is this an at-large school board election in Gaffney?

A. I believe it was.

Q. All right. You know that Gaffney is a majority white town?

A. Yes.

Q. All right. Could you tell me who was the largest vote getter in the 1988 Gaffney school board election of either race?

A. I'm having trouble reading my copy so it might be Green, but I believe it is the black candidate.

Q. Mr. Roseman, right?

A. Yes, although that is a fairly common phenomenon that you encounter when you have—there's a couple of reasons for it, one of which is that there is a whole lot of white candidates so that the white vote gets severely split. The other phenomenon that you see is that, of course, the black voters cast almost all their votes that were cast for Roseman—

Q. All right. Well, let me—

A. And so frequently what happens is, there will be one black candidate in a—in an at-large situation that the white [73] community is prepared to support at some level, although almost never at a majority level, and you will see that even though Roseman has been three times elected in this study, that only once did he get a majority of the white vote.

Q. In 1984 Mr. Roseman got 52 percent of the white vote?

A. That's right. That's right.

Q. So, had only whites been voting he would have been elected?

A. Yes.

Q. And let's just follow this through a little bit more, in 1988 Mr. Roseman got 62 percent of the blacks who voted for him, right?

A. Yes.

Q. And 43 percent of the whites?

A. Yes.

Q. A bi-racial coalition?

A. Well, he got the votes from both sides of the aisle, yes.

Q. All right. And then if you turn over to look at your white candidate in that same election, is not the second highest vote getter in '88—

A. I think it's Green at the bottom.

Q. Mr.—no, let's see, okay, is Mr. Green—and Mr. Green got what—he's a white candidate, right?

A. Yes.

Q. What percentage of the black vote did he get?

[74] A. 65.

Q. He got 65 percent of the black vote?

A. Yes.

Q. Mr. Roseman got 62. And then what percentage of the white vote did he get?

A. 38.

Q. So, for the number 2 candidate, a higher percentage of the black people voted for him than the white people; is that correct?

A. In this one candidacy, yes.

Q. All right. Let's look at the third candidate. Let's see, who—

A. Mostetler.

Q. Mostetler. Now, Mr. Mostetler got 34 percent of the black vote and 41 percent of the white vote; is that right?

A. Yes, that's correct.

Q. Sort of equal, another bi-racial coalition, correct?

A. Well, it's not exactly equal but there is clearly votes from both communities there, although you need to recognize that blacks only had one opportunity to vote for blacks in that election—

Q. Well, now, if I look back at your list you have got three black candidates listed Copeland, Goodelock and Roseman (phonetic)?

A. That's correct, I'm sorry.

[75] Q. So, the blacks had several opportunities?

A. Right.

Q. And in fact they only voted 50 percent of the time for Mr. Copeland and Goodelock who were black, but voted 65 percent of the time for Mr. Green, who was white?

A. Yes, and that occasionally will happen. I mean, it is not our position that black folks are not—cannot vote for white folks and that they are not entitled to make their choice a white person, the question—

Q. They can elect—

MR. McDONALD: I object, let the witness finish.

MR. HOLLEMAN: Okay.

A. The question is, who is the candidate of choice of the black community? If you look, for example, at Republican primary data in—or Republican general—general election data for county council in Richland County, there is a black candidate, Gus Roberts—

BY MR. HOLLEMAN:

Q. I will ask you about that in a minute, but I would like to focus on one thing at a time, if I can, since you said Gaffney was your key to concluding, along with Union, that one district was racially polarized, let's focus on this. Not only do the blacks vote for the white candidate, but the whites are voting for the black candidate?

A. In that particular situation, yes.

[76] Q. And then if we look at 1984 again with Mr. Roseman, who apparently was the only black candidate for school board that year, he got, as you said before, over half the white vote. And again he was the top vote getter for the City of Gaffney; is that correct?

A. Where are we at?

Q. Your chart, Mr. Roseman in 1984, 52 percent of the white vote; is that correct?

A. Yes.

Q. And he was the top vote getter again?

A. Probably, yes.

* * * *

[79] Q. All right. Then, if we look at the City of Union [which is also part of the SRAC's District 15] in the 1986 city council race which you have picked out—now, the way I read that, Mr. Glenn, a black candidate—City of Union by the way is majority white; is that correct?

A. Yes.

Q. Mr. Glenn, a white candidate—I mean, a black candidate [80] was a leading vote getter for city council with 870 votes?

A. Yes.

Q. Now, one thing I don't understand is you have him getting 114 percent of the black, how did Mr. Glenn manage that?

A. One of a few things happened. One of the problems in doing an analysis of a place like Union is that you only have a small handful of precinct and so that

makes it a little more difficult—well, it makes it considerably more difficult to be very precise in your estimates, and also if upon occasion—if the relationship is not absolutely a straight line but somehow curves, then you will overestimate.

Q. Okay. Let's look at—I'm just sort of going through your data here, as I tried to last evening, look at Kershaw County?

A. Although I would point out to you while Mr. Glenn got basically all the black vote, he only got 22 percent of the white vote.

Q. But the black voters in the City of Union were able to elect the candidate of their choice?

A. In that election, yes.

Q. In a majority white—

A. Yes.

Q. —City?

A. Yes.

* * * *

[87] Q. [By Mr. Holleman, counsel for the South Carolina Democratic Party]: All right. Now, if we could turn for a minute to Williamsburg County because that is involving one of the senate districts here [District 34].

If you look at your data, it's correct to say that in general for county offices you have racial block voting, correct?

A. Highly polarized.

Q. Correct. But what makes this peculiar for a Voting [88] Rights Act case to make this point is that when you have block voting in Williamsburg County, the black candidate wins?

A. Yes.

Q. In fact, they win the Sheriff and Coroner—I mean, Probate Judge and Treasurer of Williamsburg County?

A. Yes.

Q. But there is an example—an exception?

A. Yes.

Q. And that is the McGills, correct?

A. Well, except that the McGills are not the candidate of choice of the black community, but the vote is split, and as a result the candidate who gets the majority—generally gets the majority of the black vote does not get—does not win the election.

Q. Well, when you say Mr. McGill and his father were not the choice of the black community, you are saying that he was—he was the choice, however, of 40 to 50 percent of the black communiyt, he and his father?

A. Yes.

Q. Correct?

A. Yes.

Q. And these statistics show that if the black community wants to vote as a block to elect somebody in Williamsburg County, they can do it and they have done it over and over and over again?

[89] A. No doubt about it.

Q. But for the Senate, when Mr. McGill is running against Mr. Pasley or Mr. Richardson, Mr. McGill or his father win?

A. That has been the experience, yes.

Q. And isn't the lesson from this not that a black senator can't be elected from this district, but that Mr. Pasley and Mr. Richardson can't beat Mr.—either of the McGills?

A. I think that that's true. But that doesn't mean that another black candidate couldn't.

Q. Might be able to beat them, that's right. If a better black candidate ran who maybe wasn't from Hemingway, was from Kingstree, he might be able to win. Isn't that a fact?

A. Yes.

Q. And in fact in Williamsburg County, the Democratic County Chairman is black and has been for some time; is that right?

A. I don't know who the Chair is now, Ken Kennedy used to be.

Q. Used to be. In fact, he was just elected to the House when Mr. Gordon's seat became open due to his conviction?

A. Yes.

Q. And Mr. Kennedy is black?

A. Yes.

Q. And his predecessor was Mrs. Selma Connors who was black, correct?

A. Could be.

[90] Q. And isn't it true that the vast majority of poll workers in the democratic primary in Williamsburg County are black?

A. I have—

Q. You don't know that?

A. I don't know it for a fact, it wouldn't surprise me in the least, but I don't know it for a fact.

Q. I guess my point is some people might look at Williamsburg County and say, "this is a poor county, poor black population affected by discrimination," correct?

A. Yes.

Q. That would be your conclusion socioeconomically, correct?

A. Yes.

Q. But at the same time this very same socioeconomically deprived black community is well able to exercise political clout when and where it wants to, correct?

A. It has been able to, yes.

* * * *

[93] Q. (By Mr. Holleman, counsel for the South Carolina Democratic Party): Now, let's—I would like to talk with you for a minute about the specific districts you have talked about. You mentioned this Savannah River District?

A. Yes, sir.

Q. And I believe you said your conclusion as to racial polarization there is not based on any of your analysis, you didn't analyze any—

A. I haven't analyzed any communities there, no, sir.

[99] Q. (By Mr. Holleman, counsel for the South Carolina Democratic Party): Now, in Georgetown County is another one of these areas you said you assumed was racially polarized, correct?

A. I don't believe that I testified to that but—

Q. Do you?

A. It would be consistent with the other things I have looked at on South Carolina.

Q. But you have not done any study of any areas of Georgetown County?

A. No.

Q. Now, I believe—are you aware of a Mr. Ralph Wilson who won the solicitor's race in Georgetown and Horry Counties this past time?

A. Yes, sir.

Q. And he is black, correct?

A. Yes, sir.

Q. And he won the democratic primary and the general election, correct?

A. Yes, sir.

Q. And the solicitorial district he ran in was, what, 30 percent black?

A. Yes.

Q. Includes that area?

A. (Nods head in the affirmative).

* * * *

[64] Q. (By Mr. Holleman, counsel for the South Carolina Democratic Party): Now, given the standard that you were using as I heard it described to Mr. Howe this morning, the standard you looked at is the percentage you thought that was necessary for a district to elect a black senator; is that correct?

A. Yes.

Q. Okay. And you said that number was 58 percent?

A. As a general proposition, yes, but, I mean, clearly there are a couple of exceptions.

Q. And you base that because you said historically most of the black senators who were elected were elected from districts that had 58 percent or more?

A. Yes.

Q. And by most you meant four of six?

A. Right, there haven't been a lot.

Q. Which meant two of six, one-third were elected from districts less than that as of the 1984 census?

A. Yes.

Q. And as of the 1990 census, in fact, isn't it true that Senator Kay Patterson's district has declined 56 percent?

A. I have not seen those, I have not done analysis. I know they exist, but I have not seen it.

Q. Well, if you assume with me that is a demographic fact [65] which can be checked, that would then mean half of the sitting black senators now represent districts that have below 58 percent in black population?

A. If that's true, yes.

Q. And I believe under the 1984 census, or the 1984 redistricting, there were four districts that had 50 to 58 percent of black population, correct?

A. I'd have to look at that.

Q. Two of those elected—have elected black senators, one being Senator Theo Mitchell and one being Senator McKinley Washington?

A. Yes.

Q. In fact, Senator Theo Mitchell's district as of 1990 has only 48 percent black voting age population?

A. That's about right, yes.

Q. And he has been elected twice to the state senate from that district; is that correct?

A. That's true, although Dr. Loewen's testimony showed that, you know, upstate districts are less polarized.

Q. I think he even assumed there wasn't a black senator from Greenville County, didn't he?

A. I don't recall him making that assumption.

Q. All right. Then also if you look at Senator McKinley Washington who is not from an upstate county?

A. No.

[66] Q. His black voting age population is 50.8 percent, isn't that right, today?

A. That could be.

Q. And then of the other two districts that had 50 to 58 percent, they elected Senator Marshal Williams and Senator Isadore Lourie, correct?

A. Yes.

Q. And I believe as you said you have been active in the political process of South Carolina, particularly the midlands, that's a correct statement, is it not?

A. Yes.

Q. And don't you know from your own experience that Senator Lourie is a senator who has attracted a great deal of support from the black community?

A. He has historically had considerable black support, yes.

Q. And in fact he's been a senator who has been viewed as extremely responsive to the needs and desires of the black community?

A. Senator Lourie is basically a good guy, yes.

Q. Okay. And in fact both Senator Lourie and Senator Williams and these other senators were elected from districts that were precleared by the Justice Department under the 1984 plan, correct?

A. I believe so. I'm not sure.

Q. Now, in fact, if we look at Senator McKinley Washington, [67] are you aware of the fact also that he received 60 percent of the vote in the democratic primary?

A. I have not looked at his primary vote total.

Q. Are you aware he was running against, I believe, Mullins McLeod, the brother of the retiring incumbent senator?

A. Yes.

Q. Who had once run for Congress himself, I believe?

A. I—it's my vague recollection that that's true.

Q. And then if we look at the districts that met in 1984 at least your criteria of above 58 percent, we find of those, two of them elected white senators?

A. Yes, sir.

Q. And I believe although you said that Senator McGill only got 40 percent, Yancey McGill, of the black vote, his father at one time got almost 50 percent, or 50 percent, did he not?

A. In one race he got right at 50 percent of the black vote.

Q. And I think that was in the 1984 race, was it not? Do you remember?

A. I have got it here.

Q. I believe if you look at the last page of your—

A. Right, that's where I'm looking at, that's 1984.

* * * *

[98] Q. (By Mr. Holleman, counsel for the South Carolina Democratic Party): And then as to this district down here with Senator McGill and Senator Land, what you have done is you have moved one of them from a black majority seat and put them both in a neighboring black minority seat?

A. Yes.

Q. Would you have done that if they had been black senators?

A. No.

Q. You did it purely because they are white senators?

A. And because it allowed us to create an open seat in which a black candidate could be elected.

Q. But if there had been a black senator there you wouldn't have tried to create an open seat?

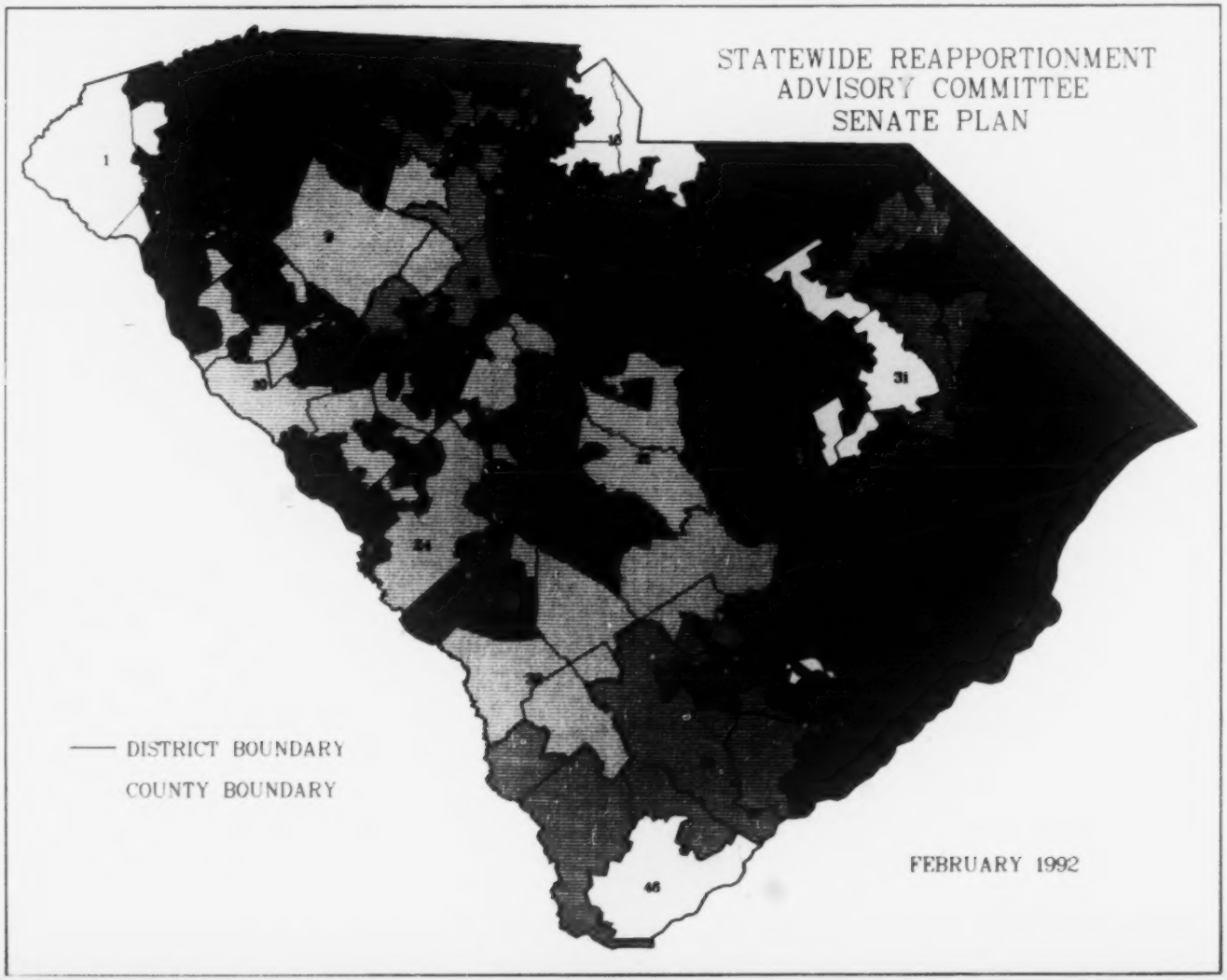
A. No.

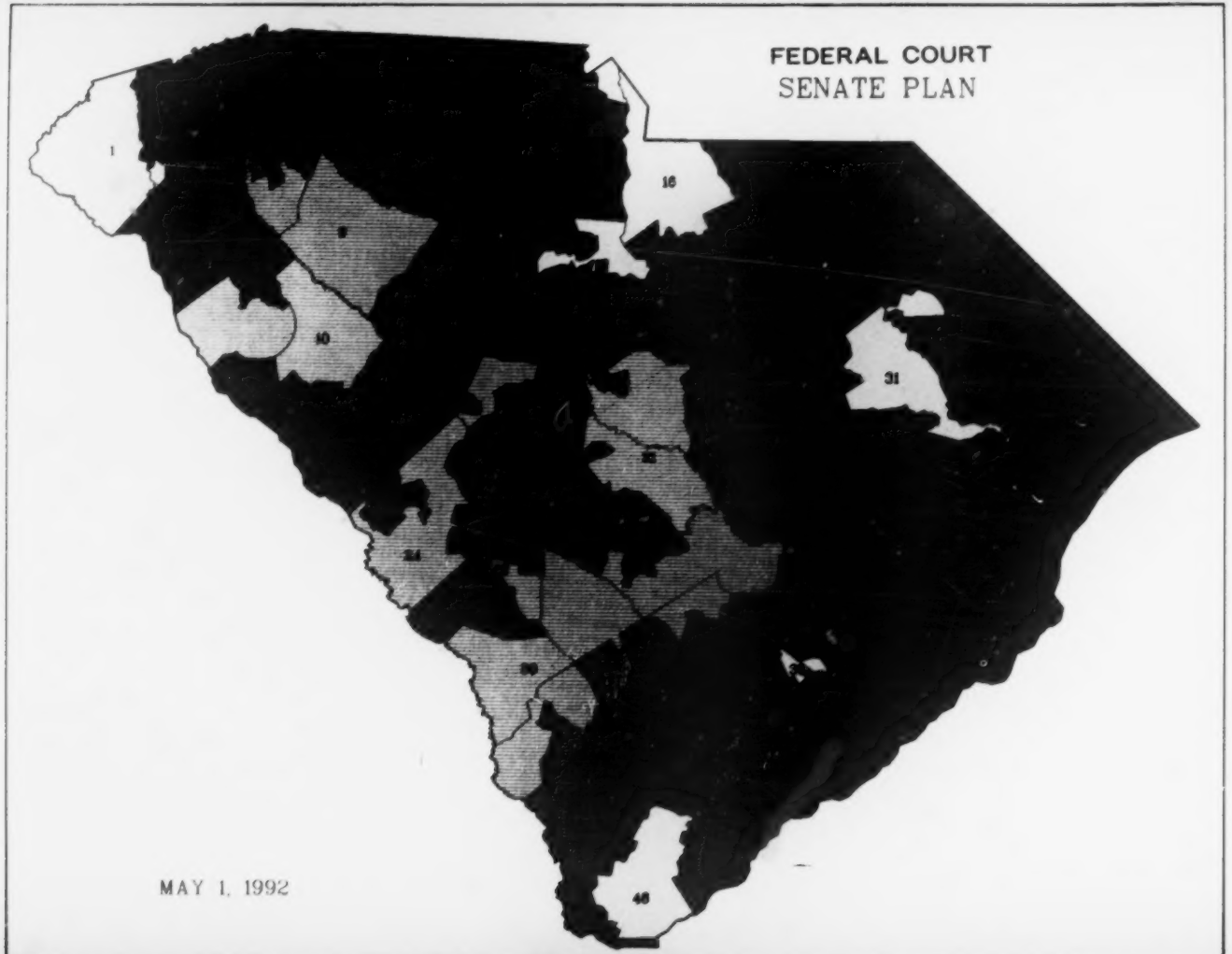
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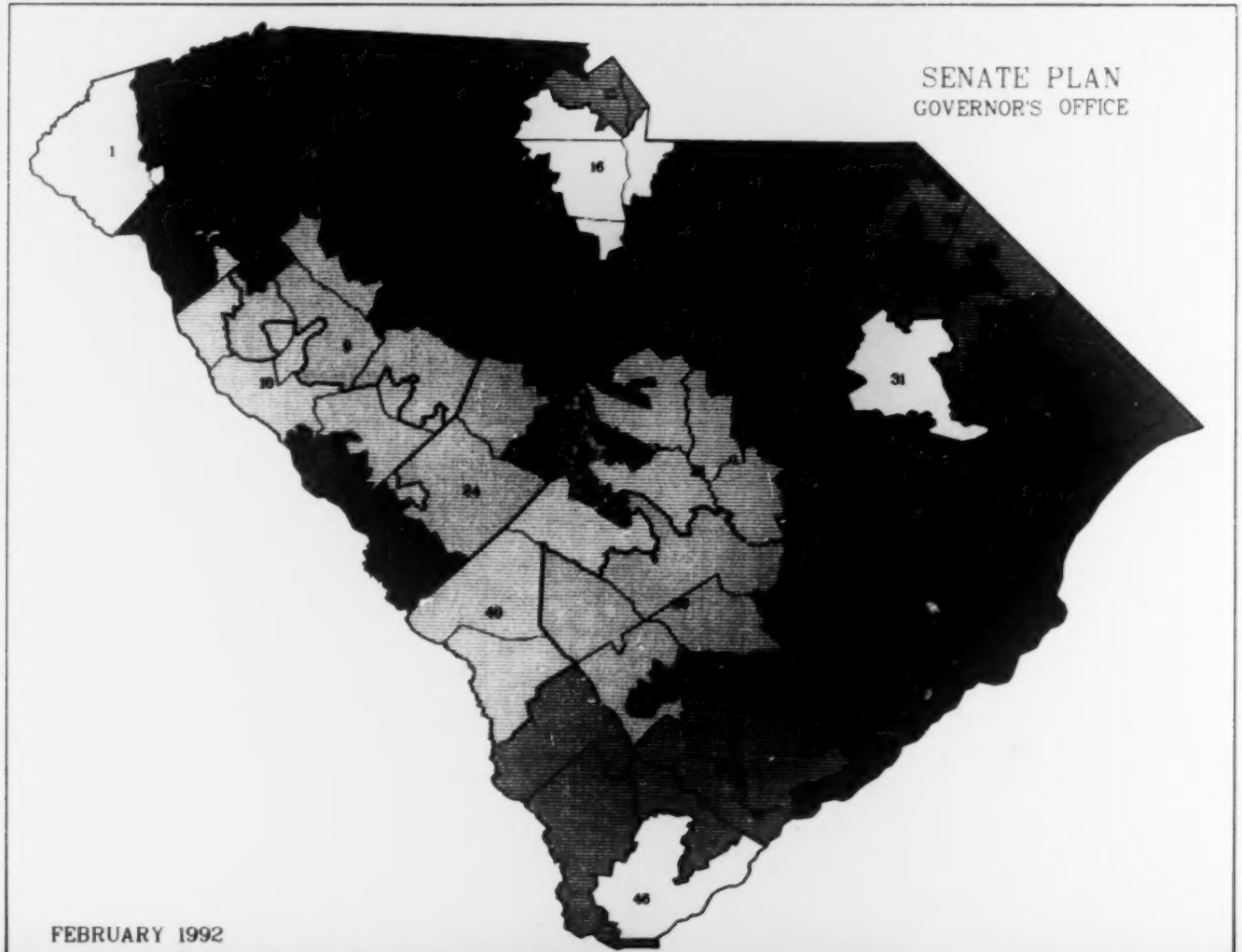
[34] Q. Now, just give me the gross comparison under the various plans that you have analyzed. How many districts are created which provide in your opinion an equal opportunity to the minority community to elect candidates of choice?

A. We believe that our plan has 13 of those districts, that the Senate passed plan has nine, that the Lieutenant Governor's plan has seven, that the Governor's plan has 12, and that the Republican Party's plan has 13.

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STATEWIDE REAPPORTIONMENT
ADVISORY COMMITTEE
SENATE PLAN
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46
DISTRICT BOUNDARY
COUNTY BOUNDARY
FEBRUARY 1992


FEDERAL COURT
SENATE PLAN
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SENATE PLAN
GOVERNOR'S OFFICE
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16
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